

**THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

MICHAEL DAVID SILLS)	
and MARY SILLS,)	
)	
Plaintiffs,)	
)	CASE NO. 3:23-cv-00478
v.)	
)	Judge William L. Campbell, Jr.
)	Magistrate Judge Chip Frensley
SOUTHERN BAPTIST)	
CONVENTION,)	JURY TRIAL DEMANDED
<i>et al.</i>)	
)	
Defendants.)	

**SUGGESTION OF DEATH OF
DEFENDANT JENNIFER LYELL AND
NOTICE OF ABATEMENT OF CLAIMS**

Please take notice that Defendant Jennifer Lyell died on Saturday June 7, 2025.

Because this is an action for “wrongs affecting the character” of David and Mary Sills, Plaintiffs’ claims against Ms. Lyell abated at her death. Tenn. Code Ann. § 20-5-102 (“No civil action commenced, whether founded on wrongs or contracts, except actions for wrongs affecting the character of the plaintiff, shall abate by the death of either party, but may be revived”); *see also, e.g., Stockdale v. Helper*, No. M2022-00846-COA-R3-CV, 2024 WL 2045341, at *5 (Tenn. Ct. App. May 8, 2024) (“Being entitled to recover damages ‘for injury to their reputations,’ the Plaintiffs’ reputations or characters, in contemplation of law, were affected by the wrongs

complained of in the declaration, and the action or suit abated by the death of defendant.” (cleaned up) (quoting *Bolin v. Stewart*, 66 Tenn. 298, 300 (Tenn. 1874))); J. Thomas McCarthy & Roger E Schechter, *Abatement of Claims Following Death of Defendant*, 11:22 The Right of Publicity & Privacy (2d ed) (May 2025 update) (“At common law, claims that were considered ‘personal’ in nature were extinguished on the death of the defendant. . . . Most states have changed this result in many situations through the adoption of what are known as ‘survival’ or ‘abatement’ statutes. . . . In many cases, however, those statutes do not include claims for defamation, or sometimes, more generally, for claims that involve the reputation of the plaintiff. Where that is the case, such claims will abate.” (footnote omitted)); *Abatement or Survival, Upon Death of Party, of Action, or Cause of Action, Based on Libel or Slander*, 134 A.L.R. 717 (originally published in 1941) (“The common-law rule, and the one which appears to be most prevalent under survival statutes, is that a cause of action based on libel or slander does not survive the death of either the wrongdoer or the person injured.”).

In light of this clear and controlling authority, any attempt to substitute Ms. Lyell’s estate as a defendant in this action would be futile.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this the 16th day of June, 2025, the foregoing was served via the court's electronic filing system on the following counsel of record:

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/s/ Philip N. Elbert